



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, Third Floor  
New York, New York 10007*

September 30, 2022

**By ECF**

The Honorable Lewis J. Liman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Center for Biological Diversity, et al. v. U.S. Fish and Wildlife Service, et al.*, 21  
Civ. 5706 (LJL)

Dear Judge Liman:

I write respectfully, on behalf of all parties in the above-referenced action brought pursuant to the Endangered Species Act, 16 U.S.C. §§ 1533, 1540(g), and the Administrative Procedure Act, 5 U.S.C. § 706, to submit for the Court's consideration the enclosed stipulation and proposed order to supplement the administrative record.

As Defendants have previously advised the Court, "in an effort to avoid protracted litigation and motion practice," they have agreed to supplement the administrative record with certain documents, even though Defendants "maintain[] that [those] documents are not properly part of the record," "in an effort to avoid protracted litigation and motion practice." ECF No. 36, at 12 n.3; *see also* ECF No. 34 at 1; ECF No. 35, Exhibit 5. The enclosed stipulation effectuates that agreement by providing for the filing of a supplement to the administrative record for the agreed documents.

These documents are distinct from those that were the subject of Plaintiffs' motion to complete the administrative record and require production of a privilege log, which was denied by the Court on July 18, 2022. ECF No. 39. Nothing in this stipulation affects the resolution of that motion.

We thank the Court for its consideration of this submission.

Respectfully submitted,

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United States Attorney  
Southern District of New York

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Encl.

cc: **By ECF**  
Counsel of Record